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Permit No. WA0040738

Issuance Date: \_\_\_\_\_

Effective Date: October 30, 2004

Expiration Date: June 30, 2009

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA0040738**

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

**Western Wood Preserving Company  
P.O. Box 1250  
Sumner, Washington 98390**

<u>Facility Location:</u> 1313 Zehnder Street Sumner, Washington 98390	<u>Receiving Water:</u> White River
<u>Water Body I.D. No.:</u> WA-10-1030	<u>Discharge Locations:</u> Outfall 001 Latitude: 47° 12' 30" N Longitude: 122° 14' 13" W Outfall 002 Latitude: 47° 12' 30" N Longitude: 122° 14' 13" W
<u>Industry Type:</u> Wood Preserving	

is authorized to discharge in accordance with the special and general conditions which follow.

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Kelly Susewind, P.E., P.G.  
Southwest Region Manager  
Water Quality Program  
Washington State Department of Ecology

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**SUMMARY OF PERMIT REPORT SUBMITTALS**

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S2.A	Discharge Monitoring Report	Monthly	30 <sup>th</sup> day of the month following completed monitoring period
S2.E	Noncompliance Notification	As necessary	Immediate notification and a written report within 30 days of becoming aware of noncompliance
S3.C	Solid Waste Control Plan	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S3.C	Modified Solid Waste Control Plan	As necessary	Within 30 days of modification
S4.	Spill Plan	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S4.	Modified Spill Plan	As necessary	Within 30 days of modification
S5.A	Acute Toxicity Characterization Data	2 times in the second year of permit cycle	November 30, 2005
S5.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S5.D	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S5.D	Acute Toxicity TI/TRE Plan	As necessary	

Permit Section	Submittal	Frequency	First Submittal Date
S7.A1	Stormwater Pollution Prevention Plan	1/permit cycle	January 2, 2009 if no modifications have been submitted during this permit cycle
S7.A1 and S7.A2	Stormwater Pollution Prevention Plan Modifications	As necessary	At least 30 days prior to implementation of proposed changes
S7.C2	Notification of Unpermitted non-stormwater to <i>Stormwater Drainage System</i>	As necessary	Immediate notification and a written report within 30 days of becoming aware of the unpermitted discharge
S8.A	Implementation of Operational BMPs	Constantly	Beginning within 60 days of the effective date of this permit
S8.B	Implementation of Structural BMPs	Constantly	Beginning within 180 days of the effective date of this permit
G1.	Notice of Change in Authorization	As necessary	Either prior to, or along with, any submittal following change in authorization
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	At least 60 days prior to any proposed changes
G5.	Engineering Report for Construction or Modification Activities	As necessary	At least 180 days prior to planned start of construction
G7.	Application for Permit Renewal	1/permit cycle	January 2, 2009
G8.	Notice of Permit Transfer	As necessary	Within 30 days of transfer
G21.	Reporting Anticipated Non-compliance	As necessary	
G22.	Reporting Other Information	As necessary	

## SPECIAL CONDITIONS

## S1. DISCHARGE LIMITATIONS AND MONITORING SCHEDULE

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Process Wastewater

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee shall not discharge process wastewater to the waters of the State.

Process wastewater is defined as: all wastewater generated as a result of conditioning wood prior to, or during, the treatment process; any wastewater generated as a result of preservation formulation, recovery or regeneration; any wastewater generated as a result of process area cleaning operations including but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; and any stormwater associated with the process area including the tank farm, retort, drip pad and any area across which treated product is moved prior to its having ceased dripping.

B. Treated and Untreated Product Storage Area Stormwater

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge stormwater from treated and untreated (white wood) product storage area at the permitted locations (outfall 001 for treated product storage area; and outfall 002 for white wood storage area) subject to meeting the following monitoring schedule and limitations:

Category	Parameter	Units	Sample Point	Maximum Daily <sup>1</sup>	Minimum Sampling Frequency for outfalls <sup>2</sup>		Sample Type
					001	002	
Stormwater Effluent	Flow <sup>3</sup>	gpm	Outfalls 001 & 002	Report	1/month	1/2 months	Estimate
Stormwater Effluent	TSS <sup>6</sup>	mg/L	Outfalls 001 & 002	50	1/month	1/2 months	Grab <sup>4</sup>
Stormwater Effluent	Oil & Grease <sup>6</sup>	mg/L	Outfalls 001 & 002	10	1/2 months	1/2 months	Grab <sup>4</sup>

Category	Parameter	Units	Sample Point	Maximum Daily <sup>1</sup>	Minimum Sampling Frequency for outfalls <sup>2</sup>		Sample Type
Stormwater Effluent	pH	s.u.	Outfalls 001 & 002	Between 6 and 9	1/month	1/2 months	Grab <sup>4</sup>
Stormwater Effluent	Ammonia <sup>6</sup>	mg/L	Outfalls 001 & 002	Report	1/month	1/2 months	Grab <sup>4</sup>
Stormwater Effluent	Arsenic <sup>5, 6, 7</sup>	µg/L	Outfalls 001 & 002	67	1/2 months	1/2 months	Grab <sup>4</sup>
Stormwater Effluent	Chromium <sup>5, 6, 7</sup>	µg/L	Outfalls 001 & 002	100	1/month	1/2 months	Grab <sup>4</sup>
Stormwater Effluent	Copper <sup>5, 6, 7</sup>	µg/L	Outfalls 001 & 002	90	1/month	1/2 months	Grab <sup>4</sup>
Category	Parameter	Units	Sample Point	Maximum Daily <sup>1</sup>	Minimum Sampling Frequency for outfalls <sup>2</sup>		Sample Type
City Outfall	Flow <sup>3</sup>	gpm	City Outfall	Report	1/4 months		Estimate
City Outfall	Chromium <sup>5, 6, 7</sup>	µg/L	City Outfall	Report	1/4 months		Grab <sup>4</sup>
City Outfall	Copper <sup>5, 6, 7</sup>	µg/L	City Outfall	Report	1/4 months		Grab <sup>4</sup>
Acute WET Testing	As specified in Section S6						

**Notes:**

1. The maximum daily effluent limitation is defined as the highest allowable daily discharge.
2. The monitoring frequency for outfall 001 (treated product storage area) shall be once a month (except for oil and grease and arsenic) for the months of September through May for a total of nine samples per sampling season. The monitoring frequency for outfall 002 (white wood storage area) shall be once every two months for the months of September through May for a total of five samples per sampling season. The monitoring frequency for the City Outfall shall be once every four months for the months of September through May for a total of three samples per sampling season. Sampling from all three outfalls shall be conducted on the same date and time.

All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impracticable within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour.

If the Permittee is unable to collect a sample due to insufficient rainfall, lack of a qualifying rain event, or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data and explanation of

why samples were not collected. Adverse climactic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.

3. Flow shall be estimated for each outfall and storm event sampled based upon rainfall measurements or estimates, stormwater collection area for each outfall and an estimate of the runoff coefficient of the drainage area.
4. A grab sample is an individual discrete sample.
5. The method detection level (MDL) for arsenic is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 206.2 from 40 CFR Part 136. The quantitation level (QL) for arsenic is 5 µg/L (5 x MDL). EPA method number 206.3 or 200.7 may be used if the effluent arsenic concentration is five times above the method detection limit of the method.

The method detection level (MDL) for chromium is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 218.2 from 40 CFR Part 136. The quantitation level (QL) for chromium is 5 µg/L (5 x MDL). EPA method number 218.1 or 200.7 may be used if the effluent chromium concentration is five times above the method detection limit of the method.

The method detection level (MDL) for copper is 1 µg/L using graphite furnace atomic absorption spectrometry (GFAA) and EPA method number 220.2 from 40 CFR Part 136. The quantitation level (QL) for copper is 5 µg/L (5 x MDL). EPA method number 220.1 or 200.7 may be used if the effluent copper concentration is five times above the method detection limit of the method.

6. If the measured effluent concentration is below the QL (above), the Permittee shall report less than QL and include the QL for the method used.
7. All metals are expressed as total recoverable metals.

C. Dilution Factor Description

The Permittee is allowed a 1 to 20 dilution factor in the City of Sumner storm sewer prior to discharging to the White River via the City of Sumner stormwater outfall.

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).



E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

**S2. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly, October through June. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be postmarked or received no later than the 30th day of the month following the month that monitoring took place. Unless otherwise specified, all toxicity test data shall be submitted within sixty (60) days after the sample date. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, Washington 98504-7775.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S1 of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Ecology inspectors.

**S3. SOLID WASTE DISPOSAL****A. Solid Waste Handling**

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

**B. Leachate**

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**C. Solid Waste Control Plan**

The Permittee shall review the existing Solid Waste Control Plan at least annually and update the Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the Permit. If no modifications to the Plan have been made during this permit cycle, then the Permittee shall review and update the Solid Waste Control Plan and submit it to the Department no later than 180 days before the expiration date of this permit.

**S4. SPILL PLAN**

The Permittee shall review the existing Spill Plan at least annually and update the Spill Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the Permit. If no modifications to the spill plan have been made during this permit cycle, then the Permittee shall review and update the Spill Plan and submit it to the Department no later than 180 days before the expiration date of this permit.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this Section may be submitted.

**S5. ACUTE TOXICITY****A. Effluent Characterization**

The Permittee shall conduct acute toxicity testing on the combined effluent from outfalls 001 and 002 to determine the presence and amount of acute (lethal) toxicity. The combined effluent sample shall consist of 60 percent sample from outfall 001 and

40 percent effluent from outfall 002. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted once during September 2005 which represents, as close to as possible, "first-flush conditions," and once during May 2006. Sampling and testing shall begin at the first measurable rainfall event (a storm event with at least 0.1-inches of rain) in the second September following the permit effective date. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms (LC<sub>50</sub>). The percent survival in 100% effluent shall also be reported.

A written report shall be submitted to the Department within 60 days after each sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final. This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F).
2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1. The median survival of any species in 100% effluent is below 80%.
2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

**The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).**

In the event of failure to pass the test described in subsection C of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Special Condition S1 of this permit. The ACEC equals 5% effluent.

If the Permittee has an effluent limit for acute toxicity and the ACEC is not known, then effluent characterization for acute toxicity shall continue until the time an ACEC is known. Effluent characterization shall be continued until an ACEC has been determined and shall be performed using each one of the tests listed in subsection A on a rotating basis. When an ACEC has been determined, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall stop effluent characterization and begin to conduct the activities in subsection E even if the ACEC is unknown.

**C. Monitoring for Compliance with an Effluent Limit for Acute Toxicity**

Monitoring to determine compliance with the effluent limit shall be conducted once in September, and once in May for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum 100% effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

**D. Response to Noncompliance With an Effluent Limit for Acute Toxicity**

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving

the test results. This additional monitoring shall be conducted on the next four discharge events using the same test and species as the failed compliance test. Testing shall determine the LC<sub>50</sub> and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department. The TI/RE plan submittal shall be within sixty (60) days after the sample date for the fourth additional compliance monitoring test. If the Permittee decides to forgo the rest of the additional compliance monitoring tests required in this subsection because one of the first three additional compliance monitoring tests failed to meet the acute toxicity limit, then the Permittee shall submit the TI/RE plan within sixty (60) days after the sample date for the first additional monitoring test to violate the acute toxicity limit. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

The Permittee shall test final effluent to the schedule specified in Special Condition S5.A prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall

be used, and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on grab samples collected during the first 60 minutes of a storm event that is at least 48 hours from the last measurable (greater than 0.1 inches of rainfall) storm event and is likely itself to have at least 0.1 inches of rainfall. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

## **S6. CHRONIC TOXICITY**

Reserved. Chronic WET testing may be required in a future permit.

## **S7. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

### **A. General Requirements**

#### **1. Submission, Retention, and Availability:**

The Permittee shall review the existing SWPPP at least twice annually as described in Subsections S7.B, and S7.C of this permit and update the Plan as needed. Changes to the Plan shall be sent to the Department within 30 days of the modification. The Plan and any supplements shall be followed throughout the term of the Permit. If no modifications to the Plan have been made during this permit cycle, then the Permittee shall review and update the SWPPP and submit a copy to the Department no later than 180 days before the expiration date of this permit.

If stormwater discharge is to a municipal storm sewer system, a copy of the revised SWPPP must be submitted to the municipal operator of the storm sewer system as well as submission of a copy of the submittal cover letter to the Department within 30 days of the revision. The SWPPP and all of its modifications shall be signed in accordance with General Condition G1. Retain the SWPPP on-site or within reasonable access to the site.

#### **2. Modifications:**

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified



in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.
4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
  - a. Assessment and description of existing and potential pollutant sources.
  - b. A description of the operational BMPs.
  - c. A description of selected source-control BMPs.
  - d. When necessary, a description of the erosion and sediment control BMPs.
  - e. When necessary, a description of the treatment BMPs.
  - f. An implementation schedule.

B. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

C. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Conditions S3.B and G1, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

**S8. COMPLIANCE WITH ECOLOGY STORMWATER MANUAL; ADDITIONAL OPERATIONAL BMPs**

Within 60 days of the effective date of the permit, the Permittee shall implement the following operational BMPs (if not already implemented), and within 180 days of the effective date of the permit, the Permittee shall implement the following structural BMPs (if not already implemented). The permittee will comply with all Applicable Operational BMPs and Applicable Structural Source Control BMPs for Wood Treatment Areas in the Department of Ecology's Stormwater Management Manual for Western Washington, Volume IV, (Source Control BMPs) page 2-67 and 2-68. Those Applicable requirements are:

A. Applicable Operational BMPs

- Dedicate equipment that is used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Eliminate non-process traffic on the drip pad. Scrub down non-dedicated lift trucks on the drip pad.
- Immediately remove and properly dispose of soils with visible surface contamination (green soil) to prevent the spread of chemicals to ground water and/or surface water via stormwater runoff.
- If any wood is observed to be contributing chemicals to the environment in the treated wood storage area, relocate it on a concrete chemical containment structure until the surface is clean and until it is drip free and surface dry.
- The Permittee will, as much as reasonably and feasibly possible, top- and side-wrap all treated dimensional lumber bundles with no lumber left uncovered in the drying or storage areas until it has been so wrapped; or completely covered or otherwise completely isolated from contact from rainfall and stormwater runoff.

- The Permittee will completely cover or otherwise completely isolate from contact from rainfall and stormwater runoff all other treated wood products and newly stored treated wood products. Newly stored refers to treated products that WWPC may bring on-site for storage and/or re-sale.
- The Permittee will install, inspect on a regular basis and maintain in working condition catch basin inserts in all catch basins to minimize the discharge of floating and settleable pollutants.
- The Permittee will maintain outdoor areas such that they are free of treated wood debris that is exposed to rainfall and stormwater runoff.
- The Permittee will adopt protocols to prevent tracking of process wastewater contaminants from process areas into storage areas. Protocols will include use of boot covers for all employees working in process areas, or a similar measure or measures, and dedicated vehicles in process areas. When vehicles other than dedicated vehicles must access process areas, the Permittee will decontaminate these vehicles prior to exit to minimize tracking of pollutants out of the process area.
- Sweeping the facility on a regular basis to remove potential contaminated particles from the pavement.

B. Applicable Structural Source Control BMPs

- Dedicate equipment that is used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Cover and/or enclose, and contain with impervious surfaces, all wood treatment areas. Slope and drain areas around dip tanks, spray boots, retorts, and any other process equipment in a manner that allows return of treatment chemicals to the wood treatment process.
- Cover storage areas for freshly treated wood to prevent contact of treated wood products with stormwater. Segregate clean stormwater from process water. Ensure that all process water is conveyed to an approved treatment system.
- Seal any holes or cracks in the asphalt areas that are subject to wood treatment chemical contamination.
- Elevate stored, treated wood products to prevent contact with stormwater runoff and runoff.
- Place treated lumber from retorts in a covered paved storage area for at least 24 hours before placement in outside storage. Use a longer storage period during cold weather unless the temporary storage building is heated. The wood shall be drip free and surface dry before it is moved outside.

**GENERAL CONDITIONS****G1. SIGNATORY REQUIREMENTS**

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department.
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**G2. RIGHT OF INSPECTION AND ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

**G3. PERMIT ACTIONS**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - 1. Violation of any permit term or condition.
  - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
  - 3. A material change in quantity or type of waste disposal.
  - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
  - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
  - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
1. A material change in the condition of the waters of the state.
  2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
  6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
  2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

#### **G4. REPORTING PLANNED CHANGES**

The Permittee shall, as soon as possible, but no later than sixty (60) days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any

pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. TRANSFER OF THIS PERMIT**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

**A. Transfers by Modification**

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

**B. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.

3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. DUTY TO PROVIDE INFORMATION**

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by



a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

**G16. UPSET**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S2.E; and 4) the Permittee complied with any remedial measures required under S3.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

**G17. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G18. DUTY TO COMPLY**

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

**G19. TOXIC POLLUTANTS**

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

**G20. PENALTIES FOR TAMPERING**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

**G21. REPORTING ANTICIPATED NON-COMPLIANCE**

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

**G22. REPORTING OTHER INFORMATION**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**G23. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

- 1. One hundred micrograms per liter (100 µg/L).

2. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
1. Five hundred micrograms per liter (500 µg/L).
  2. One milligram per liter (1 mg/L) for antimony.
  3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  4. The level established by the Director in accordance with 40 CFR 122.44(f).

**G24. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.